
HOUSE BILL 2763

State of Washington

55th Legislature

1998 Regular Session

By Representatives McDonald, Sheahan, Lantz and Costa; by request of Attorney General

Read first time 01/20/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to dependent persons; amending RCW 9A.42.040 and
2 9A.42.045; adding a new section to chapter 9A.42 RCW; and prescribing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.42 RCW
6 to read as follows:

7 (1) A person is guilty of the crime of criminal mistreatment in the
8 third degree if the person is the parent of a child, is a person
9 entrusted with the physical custody of a child or other dependent
10 person, or is a person employed to provide to the child or dependent
11 person the basic necessities of life, and either:

12 (a) With criminal negligence, creates an imminent and substantial
13 risk of substantial bodily harm to a child or dependent person by
14 withholding any of the basic necessities of life; or

15 (b) With criminal negligence, causes substantial bodily harm to a
16 child or dependent person by withholding any of the basic necessities
17 of life.

18 (2) Criminal mistreatment in the third degree is a gross
19 misdemeanor.

1 **Sec. 2.** RCW 9A.42.040 and 1986 c 250 s 4 are each amended to read
2 as follows:

3 RCW 9A.42.020 ~~((and))~~, 9A.42.030, and section 1 of this act do not
4 apply to ~~((a))~~ decisions to withdraw life support systems made in
5 accordance with ~~((law by a health care professional and family members~~
6 ~~or others with a legal duty to care for the patient))~~ chapter 7.70 or
7 70.122 RCW by the dependent person, his or her legal surrogate, or
8 others with a legal duty to care for the dependent person.

9 **Sec. 3.** RCW 9A.42.045 and 1997 c 392 s 512 are each amended to
10 read as follows:

11 RCW 9A.42.020 ~~((and))~~, 9A.42.030, and section 1 of this act do not
12 apply when a terminally ill or permanently unconscious person or his or
13 her ~~((designee))~~ legal surrogate, as set forth in chapter 7.70 RCW,
14 requests ~~((palliative care))~~, and the person receives, palliative care
15 from a licensed home health agency, hospice agency, nursing home, or
16 hospital ~~((who is))~~ providing care under the medical direction of a
17 physician. As used in this section, the terms "terminally ill" and
18 "permanently unconscious" have the same meaning as "terminal condition"
19 and "permanent unconscious condition" in chapter 70.122 RCW.

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